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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,) No. CR-12-70863 MAG
11 Plaintiff,)
12 v.)
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14 FAZIL AHMAD KAYUMY,)
15 Defendant.)
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AMENDED STIPULATED REQUEST TO
CONTINUE HEARING DATE TO
NOVEMBER 16, 2012 AND TO
EXCLUDE TIME UNDER THE SPEEDY
TRIAL ACT
Hearing Date: October 17, 2012
Time: 9:30 a.m.

17 The above-captioned matter is set on October 17, 2012 before this Court for a status
18 hearing. The parties request that this Court continue the hearing to November 16, 2012 at 9:30
19 a.m. and that the Court exclude time under the Speedy Trial Act between October 17, 2012 and
20 November 16, 2012.

21 The misdemeanor charges in this case are out of the Middle District of Georgia. The
22 parties are exploring the possibility of reaching a plea agreement to be entered in this District
23 pursuant to Rule 20. The government is seeking to obtain any discovery from the Middle District
24 of Georgia so that it can be turned over to defense counsel. Defense counsel needs additional
25 time to review that discovery and discuss it with the defendant, and perform necessary legal
26 research and investigation. The parties agree the ends of justice served by granting the

Stip. Req. To Continue Hearing Date and to
Exclude Time, No. CR 12-70863 MAG

1 continuance outweigh the best interests of the public and defendant in a speedy trial. Therefore,
2 the parties further stipulate and request that the Court exclude time between October 17, 2012
3 and November 16, 2012 under the Speedy Trial Act for effective preparation of counsel pursuant
4 to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

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6 DATED: October 12, 2012

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9 /s/ Andrew Huang
10 ANDREW HUANG
11 Assistant United States Attorney
12 Counsel for United States

13 /s/ Ned Smock
14 NED SMOCK
15 Assistant Federal Public Defender
16 Counsel for Fazil Kayumy

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

The parties jointly requested that the hearing in this matter be continued from October 17, 2012 to November 16, 2012, and that time be excluded under the Speedy Trial Act between October 17, 2012 and November 16, 2012 to allow for the effective preparation of counsel, taking into account the exercise of due diligence, and continuity of defense counsel. The parties are exploring the possibility of reaching a plea agreement to be entered in this District pursuant to Rule 20. The government is seeking to obtain any discovery from the Middle District of Georgia so that it can be turned over to defense counsel. Defense counsel needs additional time to review that discovery and discuss it with the defendant, and perform necessary legal research and investigation. The parties agree the ends of justice served by granting the continuance outweigh the best interests of the public and defendant in a speedy trial. For these stated reasons, the Court finds that the ends of justice served by granting the continuance outweigh the best interests of the public and defendant in a speedy trial. Good cause appearing therefor, and pursuant to 18

1 U.S.C. §§ 3161(h)(7)(A) and (B)(iv),

2 **IT IS HEREBY ORDERED** that the status hearing in this matter is continued from
3 October 17, 2012 to November 16, 2012 at 9:30 a.m., and that time between October 17, 2012
4 and November 16, 2012 is excluded under the Speedy Trial Act to allow for the effective
5 preparation of counsel, taking into account the exercise of due diligence.

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7 DATED: 10/16/12


HON. KANDIS WESTMORE
United States Magistrate Judge

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